

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

Lordstown Motors Corp, *et al.*,<sup>1</sup>  
Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

**SECOND AMENDED NOTICE OF AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON MARCH 5, 2024 AT 3:00 P.M. (ET)**

**The hearing will be conducted entirely via Zoom.**

**To attend the hearing remotely, please register using the eCourtAppearance tool  
([available here](#)) or on the court's website at [www.deb.uscourts.gov](http://www.deb.uscourts.gov)**

**\*The deadline to register for remote attendance is 4 PM (prevailing Eastern Time) the  
business day before the hearing unless otherwise noticed.\***

**After the deadline has passed an electronic invitation, with the relevant audio or video  
link, will be emailed to you prior to the hearing.**

**I. MATTERS SUBMITTED VIA COC:**

1. Debtors' First Omnibus Motion for Entry of an Order (I) Authorizing the Assumption of Certain Executory Contracts, (II) Fixing the Cure Costs in Connection Thereto and (III) Granting Related Relief [[Docket No. 776](#) – filed December 5, 2023]

Response/Objection Deadline: December 12, 2023 at 4:00 p.m. (ET);  
extended until December 14, 2023 at 4:00 p.m. (ET) for TERIS-Phoenix LLC

Responses/Objections Received:

- i. Informal comments from TERIS-Phoenix LLC

Related Documents:

- i. Notice of Filing of Revised Proposed Order Regarding Debtors' First Omnibus Motion for Entry of an Order (I) Authorizing the Assumption of Certain Executory Contracts, (II) Fixing the Cure Costs in Connection

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<sup>1</sup> The Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Debtors' service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.

Thereto and (III) Granting Related Relief [[Docket No. 1047](#) – filed December 11, 2023]

- ii. **Certification of Counsel Regarding Debtors' First Omnibus Motion for Entry of an Order (I) Authorizing the Assumption of Certain Executory Contracts, (II) Fixing the Cure Costs in Connection Thereto and (III) Granting Related Relief** [[Docket No. 1047](#) - March 3, 2024]
- iii. **Order (i) Authorizing the Assumption of Certain Executory Contracts, (ii) Fixing Cure Costs in Connection Thereto, and (iii) Granting Related Relief** [[Docket No. 1054](#) – entered March 4, 2024]

**Status:** An order has been entered. No hearing is necessary.

## **II. MATTER GOING FORWARD:**

- 2. Debtors' Second Motion to Extend the Debtors' Exclusive Periods to File and Solicit Votes on a Chapter 11 Plan [[Docket No. 935](#)– filed January 29, 2024]

Response/Objection Deadline: February 12, 2024 at 4:00 p.m. (ET)

Responses/Objections Received

- A. Objection of Rahul Singh to Debtors' Second Motion to Extend the Debtors' Exclusive Periods to File and Solicit Votes on a Chapter 11 Plan [[Docket No. 964](#) – filed February 12, 2024]

Related Documents:

- i. Certification of Counsel Regarding Order Granting Continuance of Debtors' Second Motion to Extend the Debtors' Exclusive Periods to File and Solicit Votes on a Chapter 11 Plan [[Docket No. 968](#) – filed February 13, 2024]
- ii. Order Granting Continuance of Debtors' Second Motion to Extend the Debtors' Exclusive Periods to File and Solicit Votes on a Chapter 11 Plan [[Docket No. 969](#) – entered February 13, 2024]
- iii. Reply in Support of the Debtors' Second Motion to Extend the Debtors' Exclusive Periods to File and Solicit Votes on a Chapter 11 Plan [[Docket No. 1029](#) – filed February 29, 2024]

**Status:** The hearing on this matter is going forward.

**III. CONFIRMATION:**

3. Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 1014](#) – filed February 27, 2024]

Response/Objection Deadline: December 8, 2023 at 4:00 p.m. (ET); extended by agreement for Former Directors and Officers until Monday, December 11, 2023 at 12:00 p.m. (ET); extended by agreement for the Office of the United States Trustee for the District of Delaware until December 29, 2023 at 4:00 p.m. (ET); extended by agreement for the ERND until December 12, 2023 at 12:00 p.m. (ET); extended by agreement for NHTSA until January 3, 2024 at 4:00 p.m. (ET); extended by agreement for Certain DiamondPeak Directors until February 23, 2024 at 4:00 p.m. (ET); and extended by agreement for the Official Committee of Unsecured Creditors, Equity Committee, Security & Exchange Commission, the Ohio Securities Action Lead Plaintiff and Foxconn until February 28, 2024 at 4:00 p.m. (ET).

Responses/Objections Received:

- A. Objection of Rahul Singh to Debtors' Plan (Docket #766) [[Docket No. 793](#) – filed December 7, 2023]
- B. Objection of the United States Trustee to Confirmation of the Debtors' Plan [[Docket No. 878](#) – filed December 29, 2023]
- C. Auto Motive Power, Inc.,'s (d/b/a AMP) Limited Objection to Second Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1033](#) – filed March 1, 2024]
- D. Objection of Rahul Singh to Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motor Corp. and its Affiliated Debtors (Docket # 1014) [Not Yet Docketed]

Related Documents:

- i. Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 360](#) – filed September 1, 2023]
- ii. Order (I) Approving the Disclosure Statement and the Form and Manner of Notice, (II) Approving Plan Solicitation and Voting Procedures, (III) Approving Forms of Ballots, (IV) Approving Form, Manner, and Scope of Confirmation Notices, (V) Establishing Certain Deadlines in Connection with the Approval of the Disclosure Statement and Confirmation of the Plan, and (VI) Granting Related Relief [[Docket No. 651](#) – filed November 1, 2023]

- iii. Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 657](#) – filed November 1, 2023]
- iv. Notice of (I) Approval of Disclosure Statement, (II) Establishment of Voting Record Date, (III) Hearing on Confirmation of the Plan, (IV) Procedures for Objecting to the Confirmation of the Plan, and (V) Procedures and Deadline for Voting on the Plan [[Docket No. 661](#) – filed November 1, 2023]
- v. Notice of Filing of Plan Supplement for the Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 766](#) – filed December 1, 2023]
- vi. Notice of Filing of Proposed Order (I) Confirming Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors and (II) Granting Related Relief [[Docket No. 767](#) – December 1, 2023]
- vii. Notice of Rescheduled Confirmation Hearing Date and Time [[Docket No. 831](#) – filed December 15, 2023]
- viii. Notice of Rescheduled Confirmation Hearing Date and Time [[Docket No. 924](#) – filed January 19, 2024]
- ix. Second Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 941](#) – filed January 31, 2024]
- x. Notice of Filing of Blackline of Second Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 942](#) – filed January 31, 2024]
- xi. Notice of Rescheduled Confirmation Hearing Date and Time [[Docket No. 960](#) – filed February 9, 2024]
- xii. Notice of Filing of Blackline of Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 1015](#) – filed February 28, 2024]
- xiii. Notice of Filing of First Supplemental Plan Supplement for the Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors [[Docket No. 1016](#) – filed February 28, 2024]
- xiv. Declaration of Andres Estrada Regarding the Solicitation and Tabulation of Votes on the Debtors' Joint Chapter 11 Plan [[Docket No. 1017](#) – filed February 28, 2024]

- xv. Notice of Filing of Revised Proposed Order (I) Confirming Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors and (II) Granting Related Relief [[Docket No. 1018](#) – filed February 28, 2024]
- xvi. Notice of Filing of Offer of Settlement and of Order Instituting Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1993 and Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing a Cease-and-Desist Order [[Docket No. 1030](#) – filed February 29, 2024]
- xvii. Notice by the U.S. Securities and Exchange Commission Regarding Debtor Lordstown Motors Corp.’s Disgorgement Obligations [[Docket No. 1031](#) – filed March 1, 2024]
- xviii. Debtors’ Memorandum of Law in Support of Confirmation of Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1034](#) – filed March 1, 2024]
- xix. Declaration of Daniel A. Ninivaggi in Support of Confirmation of Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1035](#) – filed March 1, 2024]
- xx. Declaration of Adam Kroll in Support of Confirmation of Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1036](#) – filed March 1, 2024]
- xxi. Declaration of Ryan Hamilton in Support of Confirmation of Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1037](#) – filed March 1, 2024]
- xxii. Declaration of William Gallagher in Support of Confirmation of Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1038](#) – filed March 1, 2024]
- xxiii. Official Committee of Unsecured Creditors’ Joinder to Debtors’ Memorandum of Law in Support of Confirmation of Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1039](#) – filed March 1, 2024]
- xxiv. Joinder of the Official Committee of Equity Security Holders to Debtors’ Memorandum of Law in Support of Confirmation of the Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1040](#) – filed March 1, 2024]

- xxv. Notice of Filing of Second Supplemental Plan Supplement for the Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1042](#) – filed March 1, 2024]
- xxvi. Notice of Filing of Further Revised Proposed Order (i) Confirming Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors and (ii) granting Related Relief [[Docket No. 1043](#) – filed March 1, 2024]
- xxvii. Debtors’ Motion to Waive Page Limitation Regarding Debtors’ Memorandum of Law in Support of Confirmation of Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1044](#) – filed March 1, 2024]
- xxviii. Order Granting Debtors’ Motion to Waive Page Limitation Regarding Debtors’ Memorandum of Law in Support of Confirmation of Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1053](#) – entered March 4, 2024]**
- xxix. Notice of Filing of Third Supplemental Plan Supplement for the Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors [[Docket No. 1057](#) – filed March 4, 2024]**
- xxx. Notice of Filing of Further Revised Proposed Order (i) Confirming Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors and (ii) Granting Related Relief [[Docket No. 1058](#) – filed March 4, 2024]**

Status: The hearing on this matter is going forward. The Debtors intend to offer the testimony of Daniel A. Ninivaggi, Adam Kroll, Ryan Hamilton, and William Gallagher via declaration. Each witness will be available via zoom for cross examination as necessary.

Dated: March 5, 2024  
Wilmington, Delaware

<p><u>/s/ Morgan L. Patterson</u></p> <p><b>WOMBLE BOND DICKINSON (US) LLP</b>  Donald J. Detweiler (DE Bar No. 3087)  Morgan L. Patterson (DE Bar No. 5388)  1313 North Market Street, Suite 1200  Wilmington, Delaware 19801  Telephone: (302) 252-4320  Facsimile: (302) 252-4330  don.detweiler@wbd-us.com  morgan.patterson@wbd-us.com</p> <p><i>Counsel to the Debtors and Debtors in Possession</i></p>	<p><b>WHITE &amp; CASE LLP</b>  Thomas E Lauria (admitted <i>pro hac vice</i>)  Matthew C. Brown (admitted <i>pro hac vice</i>)  Fan B. He (admitted <i>pro hac vice</i>)  200 South Biscayne Boulevard, Suite 4900  Miami, FL 33131  Telephone: (305) 371-2700  tlauria@whitecase.com  mbrown@whitecase.com  fhe@whitecase.com</p> <p>David M. Turetsky (admitted <i>pro hac vice</i>)  1221 Avenue of the Americas  New York, NY 10020  Telephone: (212) 819-8200  david.turetsky@whitecase.com</p> <p>Jason N. Zakia (admitted <i>pro hac vice</i>)  111 South Wacker Drive, Suite 5100  Chicago, IL 60606  Telephone: (312) 881-5400  jzakia@whitecase.com</p> <p>Roberto Kampfner (admitted <i>pro hac vice</i>)  Doah Kim (admitted <i>pro hac vice</i>)  RJ Szuba (admitted <i>pro hac vice</i>)  555 South Flower Street, Suite 2700  Los Angeles, CA 90071  Telephone: (213) 620-7700  rkampfner@whitecase.com  doah.kim@whitecase.com  rj.szuba@whitecase.com</p> <p><i>Counsel to Debtors and Debtors in Possession</i></p>
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